

REMARKS/ARGUMENTS

1.) Claim Status

Claims 2-5, 7-13, 16, 17, 20, and 21 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

2.) Claim Rejections– Obviousness-Type Double Patenting

On page 2 of the Office Action, the Examiner rejected claims 2-5, 7-13, 16, 17, 20, and 21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 18-20 of commonly owned U.S. Patent No. 7,450,565. A Terminal Disclaimer is enclosed herewith to obviate the obviousness-type double patenting rejection. Therefore, the withdrawal of the rejection is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 2-5, 7-13, 16, 17, 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Donovan (US 7,167,468 B2) in view of Tiburtius, et al. (US 6,917,613 B1). In an Office Action Response filed June 25, 2008, the Applicant pointed out that Tiburtius is disqualified as prior art under 35 U.S.C. § 103(c), and Tiburtius was thereafter withdrawn. The Examiner has admitted in the current Office Action that Donovan alone does not does not teach or suggest all of the claimed limitations, and thus does not establish a *prima facie* case of obviousness. Therefore, the withdrawal of the rejection and the allowance of all pending claims is respectfully requested.

The Applicant realizes that the Examiner is newly assigned to this case, but four non-final Office Actions have been issued, and good prior art has not yet been identified. The Applicant respectfully suggests it is time to allow the case and move on.

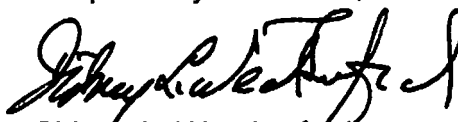
4.) Conclusion

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 2-5, 7-13, 16, 17, 20, and 21.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

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Respectfully submitted,



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